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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,555	10/31/2003	Carol D. Snyder	FSHR-076/00US	8403
22903	7590	07/13/2006	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP THE BOWEN BUILDING 875 15TH STREET, N.W. SUITE 800 WASHINGTON, DC 20005-2221			WILLIAMS, JAMILA O	
			ART UNIT	PAPER NUMBER
			3722	
DATE MAILED: 07/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,555

Applicant(s)

SNYDER ET AL.

Examiner

Jamila O. Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,11,13-22 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,11,13-22 and 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The finality of the action mailed 2-16-2006 has been withdrawn in view of the rejections below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6,7,8,10,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over 878,810 to Letzkus in view of 408,635 to Sommer and further in view of 6,485,349 to Snyder et al (hereinafter Snyder). Letzkus discloses a body having a first and second end, an input aperture defined proximate the first end of the body and an output aperture defined proximate the second end of the body and spaced apart from the input aperture (fig 1), a passage disposed in the body and extending from the input to output apertures (fig 2), at least one member disposed in the passage and being configured to redirect a movement of a solid object (members 11). Letzkus does not however disclose having a plurality of viewing apertures defined by the body and communicating with the passage nor the sensory output generator and actuator coupled thereto, as recited in claim 1.

Sommer teaches having a plurality of viewing apertures (I). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use

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the apertures of Sommer with the body of Letzkus for the purpose of viewing the object therein.

Snyder teaches having a sensory output generator (speaker 132) and an actuator coupled thereto (object sensor 142). The actuator configured to provide input to the sensory output generator upon detecting movement of the object (col 4 lines 38-44 and col 5 lines 20-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the output generator and actuator of Snyder with the device of Letzkus (modified by Sommer) for the purpose of providing more amusement for the user.

Letzkus (modified by Sommer and Snyder) discloses that the input aperture and output aperture are substantially vertically disposed with respect to one another (fig 1-2 of Letzkus), as recited in claim 2.

Letzkus (modified by Sommer and Snyder) discloses at least one member (11) configured to redirect the movement of the object as it passes through the passage (fig 2 of Letzkus), as recited in claim 3.

Letzkus (modified by Sommer and Snyder) discloses that the apparatus resembles a toy giraffe (the examiner takes the position that the device in figure 1-2 of Letzkus resembles a toy giraffe), as recited in claim 4.

Letzkus (modified by Sommer and Snyder) discloses the sensory output is at least one of visual and audible (col 4 lines 5-10 of Snyder), as recited in claim 6; wherein the actuator is a compression switch (Column 4 lines 58-62 of Snyder the use of various types of actuators to sense movement of the object. In that compression

switches are well known actuators for this purpose it would have been obvious to use this type of actuator as suited for the intended use. It is further noted that applicant has given no criticality to the use of this type of actuator in paragraph 1021 of the specification), as recited in claim 7.

Letzkus (modified by Sommer and Snyder) discloses the actuator is located substantially at the output aperture and configured to generate a sensory output when the object exits the output aperture (see figure 5 of Snyder, aperture 122 functions as an input/output aperture in the preferred embodiment col 5 lines 43-47 of Snyder), as recited in claim 8; wherein the actuator is triggered by engagement by the object (col 4 lines 38-61 of Snyder), as recited in claim 10.

Letzkus (modified by Sommer and Snyder) discloses the body having a base configured to support the body on a surface, the base being disposed within a plane the output aperture being in a plane substantially orthogonal to the plane in which the base is disposed (fig 1-2 of Letzkus), as recited in claim 30.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over 878,810 to Letzkus in view of 408,635 to Sommer and further in view of 6,485,349 to Snyder et al (hereinafter Snyder) and further in view of 5,100,141 to Fitch. Letzkus (modified by Sommer and Snyder) disclose all elements of the claims but for the object being a toy block. Fitch teaches having a device that includes a toy block (dice). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the toy block of Fitch with the device of Letzkus (modified by Sommer and Snyder) for the purpose of providing more play value to the user.

Claims 11,13-22,24-29,31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,100,141 to Fitch or 5,197,735 to Land et al (hereinafter Land) in view of 6,485,349 to Snyder et al (hereinafter Snyder).

Both Fitch and Land disclose a method comprising receiving a toy block at an input aperture defined at a first end of a channel, the channel disposed within a body having a base configured to support the body on a surface, the base being disposed within a plane (fig1 of Fitch and fig 3 of Land, although marbles 36 are shown in this embodiment of Land, col 3 lines 63-68 teach that dice can also be used, thus satisfying the limitation for a toy block).

Both Fitch and Land disclose the method step of displacing the toy block along the channel and redirecting the toy block (col 3 lines 49-52 or col 4 lines 21-28 of Fitch and col 4 lines 4-18 of Land) and receiving the block at an output aperture defined at a second end of the channel and being substantially vertically offset from the input aperture, the output aperture being in a plane substantially orthogonal to the plane in which the base is disposed (opening 20 of Fitch and opening 42 of Land).

Neither of these references disclose the step of generating an output via an output generator when the toy block is received at the output aperture.

Snyder teaches having a sensory output generator (speaker 132) and an actuator coupled thereto (object sensor 142). The actuator configured to provide input to the sensory output generator upon detecting movement of the object at the output aperture (col 4 lines 38-44 and col 5 lines 20-34). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to use the output generator and actuator of Snyder with the device of Fitch or Land for the purpose of providing more amusement for the user.

Fitch or Land (modified by Snyder) discloses displacing the toy block by a gravitational force (fig 1 of Fitch, Fig 3 of Land), as recited in claim 13.

Fitch or Land (modified by Snyder) discloses the method of generating an output includes generating a sensory output (col 4 lines 5-10 of Snyder), as recited in claim 14; wherein the output generator generates the output based on engagement of an actuator by the toy block (col 4 lines 38-44 and col 5 lines 20-34 of Snyder), as recited in claim 15.

Fitch or Land (modified by Snyder) discloses the actuator is a compression switch, the method further comprising depressing the compression switch in response to engagement of the actuator by the toy block. Column 4 lines 58-62 of Snyder the use of various types of actuators to sense movement of the object. In that compression switches are well known actuators for this purpose it would have been obvious to use this type of actuator as suited for the intended use. It is further noted that applicant has given no criticality to the use of this type of actuator in paragraph 1021 of the specification, as recited in claim 16.

Fitch or Land (modified by Snyder) discloses the guiding structure having an input and output (fig 1 of Fitch, fig 3 of Land), an actuator disposed adjacent the output (fig 5 of Snyder), a plurality of viewing apertures defined by the guiding structure configured to permit viewing of the object as it moves from input to output (figure 4

element 58 of Fitch and figure 3 elements 12 of Land), an output generator coupled to the actuator and configured to generate an output in response engagement of the actuator by a solid object (col 4 lines 38-44 and col 5 lines 20-34 of Snyder), as recited in claim 17.

Fitch or Land (modified by Snyder) discloses at least one member configured to redirect a path of the object as it is displaced from the input to output (elements 48,50,60 or door 40 of Fitch; elements 16 of Land), as recited in claim 18; wherein the object is a toy block (dice), as recited claim 19.

Fitch or Land (modified by Snyder) discloses the output is one of an audible and a visual output (col 4 lines 5-10 of Snyder), as recited in claim 20; wherein the actuator is configured to be engaged by the object as it passes through the guiding structure to the output (col 4 lines 38-61 of Snyder), as recited in claim 21; wherein the actuator is a compression switch (Column 4 lines 58-62 of Snyder the use of various types of actuators to sense movement of the object. In that compression switches are well known actuators for this purpose it would have been obvious to use this type of actuator as suited for the intended use. It is further noted that applicant has given no criticality to the use of this type of actuator in paragraph 1021 of the specification), as recited in claim 22.

Regarding claim 24, Land (modified by Snyder) discloses a guiding structure that resembles a toy giraffe (fig 3 of Land).

Regarding claims 25-26, Fitch or Land (modified by Snyder) discloses a body having a first and second end, an input aperture proximate the first end and an output

aperture proximate the second end, a passage disposed in the body and extending from the input to output, at least one member disposed in the passage to redirect a movement of a toy block (see figures 1-3 of Fitch, figure 3 of Land); a sensory output generator and actuator coupled thereto, disposed to detect movement of a toy block through the passage and to provide an input to the sensory output generator upon detecting movement of the block (col 4 lines 38-61 of Snyder). Figures 1-3 of Fitch and Figure 3 of Land also disclose having viewing apertures as claimed.

Regarding claim 27, see the rejection of claim 11 above.

Regarding claims 28-29, see rejections above (for example the rejection of claims 25-26).

Regarding claim 31, Fitch or Land (modified by Snyder) discloses a body including a base configured to support the body on a surface, the base being disposed within a plane, the output aperture being in a plane substantially orthogonal to the plane in which the base is disposed (see figures 1-4 of Fitch and Figure 3 of Land).

Regarding claim 32, see rejections above (for example the rejection of claims 25-26).

Response to Arguments

Applicant's arguments filed 4/11/2006 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-3484. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JW 7/7/2006



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